

US EPA ARCHIVE DOCUMENT

Technical Support Document  
Air Quality Construction Permit Reopening  
Permit No. MIN-SM-27139R0004-2013-02

This document sets forth the legal and factual basis for permit conditions, with references to applicable statutory and regulatory provisions, including provisions under the Federal Minor New Source Review Program in Indian Country under 40 C.F.R. §§ 49.151 – 49.161.

1.0 GENERAL INFORMATION

(A) Applicant and Stationary Source Information

Owner	Facility (SIC Codes: 7991, 8041, 8409)
Shakopee Mdewakanton Sioux Community of Minnesota 2330 Sioux Trail NW Prior Lake, Minnesota 55372	Dakotah! Sport and Fitness 2100 Trail of Dreams Prior Lake, Minnesota 55372 Scott County

(B) Contact Information

Responsible Official: Charlie Vig, Tribal Chairman  
2330 Sioux Trail NW  
Prior Lake, Minnesota 55372  
Phone: (952) 496-6109

Permit Contact: Stanley Ellison, Director of Land and Natural Resources  
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Prior Lake, Minnesota 55372  
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(C) Background and Facility Information

The Shakopee Mdewakanton Sioux Community of Minnesota (SMSC) is a federally recognized Indian tribe. The SMSC currently owns more than 3,300 acres of land in Prior Lake and Shakopee, Minnesota, in both fee lands and U.S. trust title. The SMSC operates several businesses, community organizations, and a tribal government, including a fire department and a public works department. However, the SMSC has not developed programs that allow it to attain or maintain National Ambient Air Quality Standards within its jurisdiction. As a result, the U.S. Environmental Protection Agency (EPA) retains responsibility for implementing the Clean Air Act on fee lands and lands held by the U.S. in trust for the SMSC.

Dakotah! Sport and Fitness (DSF) is an enterprise of the SMSC and is located on reservation lands held by the United States government in trust for the SMSC; therefore, the EPA is responsible for issuing and enforcing any air quality construction permits for the source.

The SMSC originally constructed DSF in 1994 and as part of the construction installed EU 204, an emergency generator serving the originally constructed portions of DSF. In 2007, the SMSC expanded DSF and added two additional emergency generators, EU 213 and EU 214, to serve the newly constructed portions of DSF. These generators are located at DSF, 2100 Trail of Dreams, Prior Lake, Minnesota. The SMSC requested an after-the-fact construction permit to provide annual fuel usage and operating hour limits on generators EU 213 and EU 214 in order to provide backup power and peak load management under contract with Minnesota Valley Electric Cooperative.

On June 23, 2014, EPA issued the after-the-fact Air Quality Construction Permit, permit number MIN-SM-27139-R0004-2013-01, to SMSC. The permit established annual NOx synthetic minor emission limits for EU 204, EU 213, and EU 214 intended to limit NOx emissions to below 250 tons per year, the Prevention of Significant Deterioration (PSD) major source threshold. The permit also established hourly operating limits for EU 204, EU 213, and EU 214 to ensure that the NOx synthetic minor limit is enforceable as a practical matter.

(D) Area Classification

DSF is located in Scott County, Minnesota, which is designated as an attainment area with the National Ambient Air Quality Standards for all criteria pollutants. There are no PSD Class I areas within 100 kilometers of DSF or the SMSC reservation.

2.0 PROCESS DESCRIPTION

(A) Description of Current Permit Action

This permit action is a reopening of the after-the-fact Air Quality Construction Permit, permit number MIN-SM-27139-R0004-2013-01, issued to SMSC on June 23, 2014. SMSC's performance testing of emergency generator EU 204 on September 23 and 24, 2014, indicated that the NOx emission factor used to establish annual emission limits underestimated actual NOx emissions from EU 204 when it operates near its maximum load. On October 8, 2014, SMSC asked EPA to reopen the permit to adjust the NOx emission limits based on the test data. The reopening and reissuance of this permit will ensure that the hourly and annual NOx emission limits established by this permit are achievable in practice. The reissued permit will retain EU 204's annual operating limit of 100 hours per year established in permit number MIN-SM-27139R0004-2013-01. The permit with the revised NOx limit will be reissued as permit number MIN-SM-27139R0004-2013-02.

EU 204 is an Energy Dynamics model 8011250C diesel generator. The engine is rated at 1,678 horsepower, which provides up to 1,250 kilowatts of electricity. Performance testing conducted on September 23 and 24, 2014, demonstrated that the maximum fuel flow at maximum load is 88.9 gallons of diesel fuel per hour. SMSC intends to continue operating this engine as an emergency-only engine and has requested a 100 hour limitation on hours of non-emergency operation at maximum load per calendar year. This corresponds to 8,890 gallons of fuel consumed per calendar year at the maximum fuel usage rate for EU 204, calculated as (88.9 gallons of fuel / hour of operation) \* (100 hours of operation / calendar year). EU 204 is

equipped with a runtime hour meter. This permit will limit operation to 100 hours of maintenance and testing and to emergency periods for EU 204.

EU 213 and EU 214 are Generac model SD600 diesel generators. These engines are rated at 864 horsepower and provide 600 kilowatts of power. These engines use 46.2 gallons of ultra low sulfur (0.0015%) diesel fuel per hour when operated at maximum load. SMSC has requested fuel usage limitations for EU 213 and EU 214 based on 700 hours of operation at maximum load for each engine. This corresponds to 32,340 gallons of fuel consumed per year at the maximum fuel usage rate for EU 213 and EU 214, calculated as (46.20 gallons of fuel / hour of operation) \* (700 hours of operation / year).

(B) Emission Unit Specifications

Emission Unit	EU 204	EU 213	EU 214
Unit Type	Engine/generator	Engine/generator	Engine/generator
Usage	Emergency only	Emergency and peak shaving	Emergency and peak shaving
Manufacturer	Energy Dynamics	Generac	Generac
Model	8011250C	SD600	SD600
Horsepower	1,678 HP	864 HP	864 HP
Power Rating	1,250 kW	600 kW	600kW
Exhaust Height	9.92 ft	11.67 ft	11.67 ft
Inside Exhaust Diameter	1.0 ft	0.67 ft	0.67 ft
Exhaust Flow	12,000 ACFM	6,419 ACFM	6,419 ACFM
Exhaust Velocity	254.65 ft/sec	136.22 ft/sec	136.22 ft/sec
Exhaust Temp	950.0° F	1300° F	1300° F
Fuel Flow	88.9 gph	46.20 gph	46.20 gph

(C) Engine Emission Factors (pounds per hour)

	NO <sub>x</sub>	CO	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	VOC	Single HAP	All HAPs
Unrestricted potential hourly emissions for EU 204	45.93	10.4	1.22	1.22	1.22	0.02	1.1	0.03	0.05
Unrestricted potential hourly emissions for EU 213 and 214	9.11	1.28	0.63	0.63	0.63	0.01	0.51	0.01	0.01

### EU 204 NOx Emission Factor

EU 204's NOx emission factor, 45.93 lbs/hr, is a calculated value. It is based on the highest NOx mass emission factor and associated fuel flow observed during the September 23, 2014, NOx performance test and the average diesel fuel heating value given in AP-42, Fifth Edition, Volume I.

During the September 23, 2014, performance test, the measured load for EU 204 that resulted in the highest NOx emission rate was 1,153 kW. Since EU 204 is rated for 1,250 kW the load is 92.24% ( $= (1,153 \text{ kW} / 1,250 \text{ kW}) * 100\% = 92.24\%$ ). At 1,153 kW, EU 204's measured fuel rate was 82 gallons/hour. EU 204's NOx mass emission rate was 3.48 lbs/MMBTU. SMSC adjusted the observed fuel rate and emission factor upwards based on the calculated load of the generator.

In its application, SMSC requested that the observed fuel rate and NOx mass emission rate be scaled to 100% load by dividing the observed value by the measured load. Based on the requested adjustment to the observed values, this yields a fuel flow rate of 88.9 gallons/hour ( $= 82.0 \text{ gallons/hour} / 0.9224$ ) and a NOx mass emission of 3.77 lbs/MMBTU ( $= 3.48 \text{ lbs/MMBTU} / 0.9224$ ). According to AP-42, Fifth Edition, Volume I, Table 3.4-1, footnote a, the average heating value of diesel fuel is 19,300 BTU/lb and the average density of diesel fuel is 7.1 lb/gallon. Based on this information, the average heating value of diesel fuel per gallon is 137,030 BTU/gallon ( $= 19,300 \text{ BTU/lb} * 7.1 \text{ lb/gallon}$ ). Taken together, the adjusted maximum fuel flow rate, the adjusted maximum NOx mass emission rate, and the average heating value of diesel fuel gives the NOx emission factor of 45.93 lbs/hr ( $= 88.9 \text{ gallons/hour} * 137,030 \text{ BTU/gallon} * 3.77 \text{ lbs/MMBTU} * 1 \text{ MMBTU}/1,000,000 \text{ BTU}$ ).

Absent engine-specific emission factors, this is a reasonable adjustment that yields a conservative NOx emission factor. In permit number MIN-SM-27139R0004-2013-01, the NOx emission factor was calculated based on an AP-42 emission factor for uncontrolled engines and the estimated maximum fuel flow rate. In this permit, the applicant adjusts the measured NOx emission factor and observed fuel flow rate upwards, yielding a more conservative estimate for NOx emissions. Previously, the NOx emission factor was 37.59 lbs/hour based on 3.20 lbs NOx/MMBTU from table 3.4-1 of AP-42 and a maximum fuel flow rate of 85.72 gallons per hour. In this permit, the NOx emission factor is 45.93 lbs/hour based on 3.77 lbs NOx/MMBTU and a maximum fuel flow rate of 88.9 gallons/hour. Since the NOx emission limit is a synthetic minor limit intended to avoid PSD permitting requirements, a more conservative NOx emission estimate allows for greater certainty that the Permittee will not trigger PSD.

### EU 204 CO, PM/PM<sub>10</sub>/PM<sub>2.5</sub>, SO<sub>2</sub>, VOC, and HAP emission factors

EPA has recalculated EU 204 CO, PM, SO<sub>2</sub>, VOC, and HAP emission factors using AP-42 emission factors listed in tables 3.4-1 through 3.4-3 and the adjusted fuel flow rate, 88.9 gallons per hour, calculated above. The fuel flow rate and the average heating value of diesel fuel, 137,030 BTU/gal, gives the maximum heat input rate of 12.18 MMBTU/hr ( $= 88.9 \text{ gallons/hour} * 137,030 \text{ BTU/gal} * 1 \text{ MMBTU}/1,000,000 \text{ BTU}$ ).



Generally, the calculation used to determine the emission factors is [AP-42 Emission Factor (lb/MMBTU)] \* 12.18 MMBTU/hr.

PM<sub>10</sub> and PM<sub>2.5</sub> emission factors are assumed to be the same as PM emission factors since unit-specific emission factors for PM<sub>10</sub> and PM<sub>2.5</sub> were not available. This is a conservative estimate since this assumes that all PM emissions, regardless of aerodynamic diameter, are the smallest fractions of particulate matter.

#### EU 213 and EU 214 NO<sub>x</sub>, CO, and VOC emission factors

EU 213 and EU 214's NO<sub>x</sub>, CO, and VOC emission factors are the emission factors provided by the manufacturer of the engines.

#### EU 213 and EU 214 PM/PM<sub>10</sub>/PM<sub>2.5</sub>, SO<sub>2</sub>, and HAP emission factors

EU 213 and EU 214's PM, SO<sub>2</sub>, and HAP emission factors are calculated based on the maximum fuel flow rate provided by the manufacturer, 46.2 gallons/hour, and AP-42 tables 3.4-1 through 3.4-3. The fuel flow rate and average heating value of diesel fuel, 137,030 BTU/gal, gives the maximum heat input rate of 6.33 MMBTU/hr (= 46.2 gallons/hour \* 137,030 BTU/gal \* 1 MMBTU/1,000,000 BTU).

Generally, the calculation used to determine the emission factors is [AP-42 Emission Factor (lb/MMBTU)] \* 6.33 MMBTU/hr.

PM<sub>10</sub> and PM<sub>2.5</sub> emission factors are assumed to be the same as PM emission factors since unit-specific emission factors for PM<sub>10</sub> and PM<sub>2.5</sub> were not available. This is a conservative estimate since this assumes that all PM emissions, regardless of aerodynamic diameter, are the smallest fractions of particulate matter.

#### (D) Total Facility Potential-to-Emit Summary (Before Federally Enforceable Limits)

	NO <sub>x</sub> tpy*	CO tpy	PM tpy	PM <sub>10</sub> tpy	PM <sub>2.5</sub> tpy	SO <sub>2</sub> tpy	VOC tpy	Single HAP tpy	All HAPS tpy
EU 204	11.48	2.60	0.31	0.31	0.31	0.00	0.28	0.0075	0.0125
EU 213	39.89	5.59	2.77	2.77	2.77	0.04	2.25	0.0215	0.0414
EU 214	39.89	5.59	2.77	2.77	2.77	0.04	2.25	0.0215	0.0414
Total Facility Potential Emissions	91.26	13.78	5.85	5.85	5.85	0.08	4.78	0.0505	0.0953

\* tpy = tons per year

The potential to emit for EU 204 is based on the previously determined emission factors and 500 hours of operation per year. 500 hours of operation per year is used to determine the potential to emit for EU 204 since EU 204 is an emergency generator. The September 6, 1995, memo

entitled *Calculating Potential to Emit (PTE) for Emergency Generators*, recommends the PTE for emergency generators to be calculated based on 500 hours of operation.

The potential to emit for EU 213 and EU 214 are based on the previously determined emission factors and 8,760 hours of operation per year.

Potential to emit is calculated as follows:  $PTE \text{ (tons/yr)} = \text{Emission Factor (lb/hr)} * \text{Hours of Operation per year (hrs/yr)} * 1 \text{ ton} / 2000 \text{ lbs.}$

(E) Potential to Emit After Federally Enforceable Limits (tons per year)

	NO <sub>x</sub>	CO	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	VOC	Single HAP	All HAPs
Potential to emit with emissions limitations: Energy Dynamics engine EU 204 limited to 8890 gallons per year <sup>1</sup>	2.30	0.52	0.06	0.06	0.06	0.00	0.06	0.00	0.00
Potential to emit with emissions limitations: 2 Generac engines each limited to 32,340 gallons per year <sup>2</sup>	6.38	0.90	0.44	0.44	0.44	0.01	0.36	0.01	0.01
Potential to emit with emissions limitations: Facility total (tons per year)	8.68	1.42	0.50	0.50	0.50	0.01	0.42	0.01	0.01

- 1: 8,890 gallons per year is equivalent to operating at the engine's maximum fuel flow of 88.90 gallons per hour for 100 hours per year.  
Potential to emit = potential hourly emission (lb/hr) \* 100 hours/year / 2000 pounds/ton.
- 2: 32,340 gallons per year is equivalent to operating at the engine's maximum fuel flow of 46.2 gallons per hour for 700 hours per year.  
Limited potential to emit = 2 engines \* potential hourly emission (lb/hr/engine) \* 700 hours/year / 2000 pounds/ton.

(F) Enforcement Issues

On March 13, 2012, EPA and SMSC entered into Administrative Amended Consent Order EPA-5-11-113(a)-MN-02 (ACO) which resolved the alleged failure by SMSC to obtain a permit for construction of generators located at the Mystic Lake Casino Hotel. Among other things, the ACO required SMSC to submit to EPA an application for an after-the-fact construction permit for EU 204, EU 213, and EU 214 located at DSF.

There are no other federal enforcement actions proceeding against SMSC.

(G) Pollution Control Equipment

EU 213 and EU 214 are required to meet EPA New Source Performance Standards Subpart IIII Tier 2 emission standards. In order to meet the standards these engines utilize lean-burn combustion and are equipped with a turbocharger, aftercooler, and a catalytic converter.

EU 204 is not equipped with pollution control equipment.

3.0 APPLICABLE REQUIREMENTS

(A) 40 C.F.R. § 52.21: Prevention of Significant Deterioration (PSD)

40 C.F.R. § 52.21 defines a "major stationary source" as, among other things, a source that has the potential to emit more than 250 tons per year of a regulated air pollutant. With the exception of certain types of sources, a source that does not emit more than 250 tons of a regulated air pollutant is a minor source. Since DSF does not have the potential to emit 250 tons or more of any regulated air pollutant, DSF is a minor source and is not subject to the PSD program at 40 C.F.R. § 52.21.

(B) 40 C.F.R. §§ 49.151-161: Federal Minor New Source Review Program in Indian Country

40 C.F.R. § 49.152(d) defines a true minor source as a source that has the potential to emit regulated new source review (NSR) pollutants in amounts that are less than the major source thresholds of 40 C.F.R. § 52.21 but greater than or equal to the minor NSR thresholds in 40 C.F.R. § 49.153. DSF does not emit any regulated NSR pollutant at an emission rate exceeding the major source threshold. However, DSF does emit CO, NO<sub>x</sub>, VOC, PM, PM<sub>10</sub>, and PM<sub>2.5</sub> at a rate exceeding the minor source threshold. Therefore, DSF is a true minor source and EPA is issuing the after-the-fact minor source permit under the Federal Minor New Source Review Program in Indian Country at 40 C.F.R. §§ 49.151-161.

(C) 40 C.F.R. Part 63, Subpart ZZZZ: National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)

In accordance with 40 C.F.R. 63.6585, a source is subject to the RICE MACT if it operates a stationary reciprocating internal combustion engine (RICE) at an area source of hazardous air pollutant emissions. The facility is an area source for HAP emissions, as defined in 40 C.F.R. § 63.6675, because it emits less than 10 tpy of any single HAP and less than 25 tpy of total HAPs. For the purpose of this subpart, EU 204 is an existing, emergency, non-black start, compression ignition RICE. EU 213 and EU 214 are new, non-emergency, non-black start, compression ignition RICE as defined in 40 C.F.R. §§ 63.6590 and 63.6675.

Generators EU 213 and EU 214 are compression ignition engines that were manufactured after June 12, 2006. Therefore, EU 213 and EU 214 are new stationary RICE sources and must meet



the requirements of the RICE MACT by meeting the requirements of 40 C.F.R. Part 60, Subpart IIII. These units were manufactured to meet NSPS Subpart IIII standards. The applicable requirements of 40 C.F.R. 60 Subpart IIII are specified in the permit.

Generator EU 204 is a compression ignition engine that was manufactured prior to prior to June 12, 2006. Therefore, EU 204 is an existing stationary RICE source and must meet the requirements in 40 C.F.R. 63, Subpart ZZZZ. The following conditions apply to EU 204:

- i. 40 C.F.R. § 63.6595(a)(1) applies because EU 204 is an existing stationary compression ignition RICE at an area source of HAP emissions. The Permittee must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013, which has already passed.
- ii. 40 C.F.R. § 63.6603(a) applies because EU 204 is an existing stationary RICE located at an area source of HAPs. The Permittee is required to comply with item 4 of Table 2d to Subpart ZZZZ of Part 63.
- iii. The general compliance requirements of 40 C.F.R. § 63.6605 apply because EU 204 must show compliance with Subpart ZZZZ.
- iv. 40 C.F.R. § 63.6625(e), (f), (h), and (i) apply because EU 204 is an existing, emergency, compression ignition, stationary RICE at an area source of HAPs. 40 C.F.R. § 63.6625(i) applies because EU 204 must comply with item 4 of Table 2d to Subpart ZZZZ.
- v. 40 C.F.R. § 63.6640(a) and (f) apply because EU 204 is an emergency stationary RICE that must show continuous compliance with the requirements of Table 2d to Subpart ZZZZ according to entry 10 of Table 6 to Subpart ZZZZ.
- vi. 40 C.F.R. § 63.6655(e) applies because EU 204 is an existing emergency stationary RICE.
- vii. 40 C.F.R. § 63.6660 applies because maintenance records conducted on EU 204 must be maintained.

(D) 40 C.F.R. Part 60, Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (NSPS IIII)

EU 213 and EU 214 are required to meet NSPS IIII EPA Tier 2 emissions standards because they were ordered after July 11, 2005, and manufactured after April 1, 2006. Both EU 213 and EU214 are model year 2007 internal combustion engines (ICE). Both engines are non-emergency, stationary, compression-ignition (CI) ICE with a displacement of less than 30 liters per cylinder. The following conditions apply to EU 213 and EU 214:

- i. 40 C.F.R. § 60.4204(b) applies because EU 213 and EU 214 are model year 2007 non-emergency, stationary, compression-ignition, internal combustion engines with a displacement of less than 30 liters per cylinder.
- ii. The emission standards referred to in 40 C.F.R. § 60.4201(a) apply to the manufacturer of EU 213 and EU 214 because EU 213 and EU 214 are subject to 40 C.F.R. § 60.4204(b) and have a maximum engine power less than or equal to 2,237 kilowatt (kw). The manufacturer is required to certify that the engines meet the emission standards listed 40 C.F.R. §§ 89.112 and 89.113. The requirements of 40 C.F.R. §§ 1039.101 – 1039.115 do not apply because EU 213 and EU214 are not model year 2014 or later ICE.
- iii. 40 C.F.R. § 60.4206 applies because EU 213 and EU 214 are CI ICE that must achieve the emission standards in 40 C.F.R. § 60.4204(b). This condition requires both engines to achieve the required emission standards throughout the life of the engines.
- iv. The fuel standards of 40 C.F.R. § 60.4207(a) and (b) apply because EU 213 and EU 214 are both CI ICE with a displacement of less than 30 liters per cylinder. The effective date of these conditions (October 1, 2007 and October 1, 2010) have already passed.
- v. The monitoring requirements of 40 C.F.R § 60.4209 apply because the Permittee owns and operates EU 213 and EU 214, stationary source CI ICE. The only applicable requirement is to comply with 40 C.F.R. § 60.4211. The requirements of 40 C.F.R. § 60.4209(a) and (b) do not apply because EU 213 and EU 214 meet the standards applicable to non-emergency engines and are not equipped with diesel particulate filters.
- vi. The compliance requirements of 40 C.F.R. § 60.4211(a) apply because the Permittee must comply with the emission standards listed in 40 C.F.R. § 60.4204(b), and as required by 40 C.F.R. § 60.4209.
- vii. The compliance requirements of 40 C.F.R. § 60.4211(c) apply because the Permittee owns and operates EU 213 and EU 214. This requires the Permittee to purchase an engine that has been certified to meet the emission requirements in 40 C.F.R. § 60.4204(b).
- viii. 40 C.F.R. § 60.4218 applies because the Permittee is subject to 40 C.F.R. Part 60, Subpart IIII. Conditions in Table 8 to 40 C.F.R. Part 60, Subpart IIII, apply to the Permittee as listed.

(E) Monitoring

EU 204, EU 213, and EU 214 each have hourly NO<sub>x</sub> emission limitations. Monitoring and testing to assure compliance with these limits have been established. An initial performance test

for all three engines is required within 180 days of issuance of this permit. Subsequent performance testing for EU 213 and EU 214 is required so that a test is performed on each engine at least once every five years. This testing interval has been determined to be adequate for these emissions units since they are designed to operate as peak shaving generators. Additionally, the facility has submitted an Operating and Maintenance plan that will be followed to ensure that each engine is maintained to operate at its optimum performance. The combination of periodic performance tests and adherence to an Operation and Maintenance plan is sufficient to demonstrate compliance with the applicable hourly limit.

(F) Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) requires all Federal agencies, EPA included, to insure that any action authorized, including the issuance of a federal permit, does not jeopardize the continued existence of an endangered or threatened species or designated or proposed critical habitat. As part of this process, Section 7(a)(2) requires a consultation with the Fish and Wildlife Service if the project may have an effect on a listed species.

According to the December 2014 *County Distribution of Federally-Listed Threatened, Endangered, Proposed and Candidate Species* list (distribution list), the northern long-eared bat may be present in Scott County.

This permit does not authorize the additional construction of emission units. Further, this permit will continue to limit EU 204's annual operation to 100 hours or less per year. Potential NOx emissions are based on maximum fuel flow rate at maximum load. Based on an October 23, 2014, call, the maximum expected load of EU 204 during normal emergency operations is 20-25%. In order to attain 100% load, the facility must rent and install load banks to dissipate excess energy. Thus, in practice, the engine is very unlikely to achieve 100% load and, as a result, will likely not cause NOx emissions in an amount near its NOx PTE.

For these reasons, EPA has determined that the issuance of this permit will have no effect on the northern long-eared bat. Further ESA consultation is not necessary for this permit action.

(G) National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies, EPA included, to take into account the effects of undertaking on historic properties. The implementing regulations of the NHPA can be found at 36 C.F.R. Part 800.

An undertaking, as defined at 36 C.F.R §800.16(y), includes projects requiring a Federal permit. Therefore, the issuance of this permit constitutes an undertaking.

Since this permit does not authorize additional construction, and since this permit is only adjusting a NOx emission limit based on more accurate information obtained from a performance test, this action will have no potential to cause effects on historic properties, assuming such historic properties were present. Pursuant to 36 C.F.R. § 800.3(a)(1), since the

issuance of this permit will have no potential to cause effects on historic properties, EPA has no further obligations under section 106 of the NHPA or 36 C.F.R. Part 800.

(H) Tribal Consultation

According to EPA's 2011 *Policy on Consultation and Coordination with Indian Tribes*, EPA is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests. Since EPA is the permitting authority for Dakotah! Sport and Fitness, EPA's final permit decisions may affect tribal interests, requiring consultation with the tribe.

Since Dakotah! Sport and Fitness is owned by SMSC, and since this permitting action is the result of an October 8, 2014, request by SMSC, further consultation is not necessary.

4.0 Revisions to the Permit

Based on the application and supporting information provided by SMSC, EPA is reopening permit number MIN-SM-27139R0004-2013-01 to revise the NO<sub>x</sub> emission limits for EU 204. The permit will be reissued as permit number MIN-SM-27139R0004-2013-02.

The following conditions have been changed based on the information provided by SMSC. Additions are indicated in **BOLD** typeface while deletions are indicated by ~~strikethrough~~ font:

- 1.) Condition 2.0(A)(1)(i)(a) is being revised to increase the allowable NO<sub>x</sub> emission limit. It now reads as follows:

Limit NO<sub>x</sub> emissions to no greater than ~~37.59~~**45.93** pounds per hour, expressed as NO<sub>2</sub>. Compliance with this limit shall be demonstrated using the applicable monitoring and testing requirements listed in Condition 2.0 B. of this permit.

- 2.) Condition 2.0(A)(1)(i)(b) is being revised to increase the annual NO<sub>x</sub> emission limit. It now reads as follows:

Limit NO<sub>x</sub> emissions to no greater than ~~9.40~~**11.48** tons per year, expressed as NO<sub>2</sub> and based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months.

In addition to the previously listed revisions, the following formatting changes have been made to the permit:

- 1.) The formatting of sections 2.0, 3.0, and 4.0 of the permit have been adjusted to allow for each section to begin on a new page. This change also modifies the page numbering within the permit. None of the permit requirements has been changed as a result of this revision.

- 2.) The numbering of permit conditions 4.0(A), (C), (F), (H), (J), and (K) has been modified by removing the individual condition numbering. The requirements of each permit condition has not changed as a result of this revision.